

GAIL FARBER, Director

The Honorable Board of Supervisors

383 Kenneth Hahn Hall of Administration

March 01, 2011

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE ALHAMBRA, CALIFORNIA 91803-1331 Telephone: (626) 458-5100 http://dpw.lacounty.gov

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ADOPTED

BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

#34

March 1, 2011

SACHI A. HAMAI EXECUTIVE OFFICER

SET: March 22, 2011 @ 9:30 a.m.

Dear Supervisors:

County of Los Angeles

500 West Temple Street

Los Angeles, California 90012

STREET LIGHTING DISTRICTS
WITHDRAWAL OF TERRITORY FROM
COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND
DETACHMENT OF TERRITORY FROM
COUNTY LIGHTING DISTRICT LLA-1
PETITION NO. 4-210 (FAIRGREEN AVENUE, ET AL.)
UNINCORPORATED EAST ARCADIA AREA
(SUPERVISORIAL DISTRICT 5)
(3 VOTES)

SUBJECT

This action is to proceed with the withdrawal of territory from County Lighting Maintenance District 1687 and detachment of territory from County Lighting District LLA-1.

IT IS RECOMMENDED THAT YOUR BOARD:

- 1. Approve and file Petition No. 4-210 for the withdrawal of territory from County Lighting Maintenance District 1687, detachment of territory from County Lighting District LLA-1, and abandonment of the proposed installation of street lights within the petition area and the assessment for the costs thereof, as previously approved under Petition No. 21-207.
- 2. Adopt the Resolution of Intention to Withdraw Territory from County Lighting Maintenance District 1687 and Detach Territory from County Lighting District LLA-1, Petition No. 4-210 (Fairgreen Avenue, et al.).

The Honorable Board of Supervisors 3/1/2011 Page 2

- 3. Set a date for a public hearing regarding the withdrawal of territory from County Lighting Maintenance District 1687 and detachment of territory from County Lighting District LLA-1 not less than 10 nor more than 30 days after the date of the adoption of the Resolution of Intention.
- 4. Instruct the Executive Officer of the Board to give notice of the public hearing by causing the notice of the public hearing to be published by one insertion in such daily, weekly, or semiweekly newspaper most likely to give notice to the inhabitants of the district of the proposed withdrawal of territory from County Lighting Maintenance District 1687 at least 5 days prior to the date of the public hearing, and cause said notice of the public hearing to be posted in three conspicuous places within the territory to be withdrawn and within three conspicuous places within the remaining portion of the district at least 1 week prior to the date of hearing, pursuant to the California Streets and Highways Code section 5845.

AFTER THE PUBLIC HEARING, IT IS RECOMMENDED THAT YOUR BOARD:

- 1. Find that the area represented by Petition No. 4-210 will not be benefited by remaining within County Lighting Maintenance District 1687 and that the remaining territory will be benefited by continuing as a maintenance district.
- 2. Adopt the Resolution Ordering Withdrawal of Territory from County Lighting Maintenance District 1687 and Detachment of Territory from County Lighting District LLA-1, Petition No. 4-210 (Fairgreen Avenue, et al.).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is for the Board to approve and file Petition No. 4-210 (Fairgreen Avenue, et al.) for the withdrawal and detachment of territory from County Lighting Maintenance District 1687 (CLMD 1687) and County Lighting District LLA-1 (CLD LLA 1), respectively (collectively, County Lighting Districts), and abandonment of the installation of street lights for Petition No. 21-207, as previously approved by the Board.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Community and Municipal Services (Goal 3). We ensure service excellence by responding promptly to the requests of the community regarding street lighting issues, thus ensuring timely delivery of this customer-oriented municipal service.

FISCAL IMPACT/FINANCING

With the withdrawal and detachment of territory known as Petition No. 4-210 from the County Lighting Districts, street lights will not be installed in the petition area resulting in an annual saving of \$3,180 to the County Lighting Districts. In addition, the proposed withdrawal and detachment of territory from the County Lighting Districts will result in the cancelation of a minimal property tax growth transfer from the affected taxing entities including the Los Angeles County General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

On January 6, 2009, the Board approved and filed Petition No. 21-207 (Fairgreen Avenue, et al.) for the annexation of territory and installation of street lights within the area designated as Petition No.

The Honorable Board of Supervisors 3/1/2011 Page 3

21-207. A public hearing was held on July 28, 2009, at which time assessment ballots were tabulated and no majority protest was found to exist. The Board subsequently ordered the annexation of the territory to County Lighting Maintenance District 1687 and County Lighting District LLA-1, the installation of street lights within the Petition No. 21-207 territory, the levy of assessments in Fiscal Year 2009-10, and approved the exchange of property tax revenue between County Lighting Maintenance District 1687 and other taxing entities providing service to the annexation area.

Shortly after Board approval, a property owner within the petitioned area contacted the Department of Public Works (Public Works) and stated that property owners within the area no longer supported the installation of street lights and requested a petition for the withdrawal of the area from the County Lighting Districts and abandonment of the installation, operation, and maintenance of street lights previously approved under Petition No. 21-207. Public Works held a community meeting on March 3, 2010, and subsequently mailed Petition No. 4-210 to the petitioner for the withdrawal of territory from the County Lighting Districts and abandonment of the street light installation previously approved under Petition No. 21-207. On May 25, 2010, Public Works received Petition No. 4-210 signed by property owners representing over 69 percent of the petition area.

Under California Streets and Highways Code section 5844 (within the Improvement Act of 1911), the Board may withdraw any portion of a maintenance district, such as the County Lighting Maintenance District 1687, that would not be benefited by remaining within the District. Requirements for the time of hearing, publication, and posting notices for the public hearing are set forth in Section 5844 of the Streets and Highways Code. Section 5846 of the Streets and Highways Code provides that the Board shall consider and pass upon all objections to the withdrawal of territory from any person appearing at the hearing.

Under California Streets and Highways Code section 22605 (within the Landscaping and Lighting Act of 1972), the Board may order the detachment of territory from an existing assessment district formed pursuant to the Landscaping and Lighting Act of 1972, such as the County Lighting District LLA-1. Pursuant to Section 22609 of the Streets and Highways Code, the Board may dispense with the resolution initiating proceedings, engineer's report, and posted and mailed notice of hearing, and may initiate proceedings by the adoption of a Resolution of Intention. The resolution initiating proceedings, engineer's report, and posted and mailed notice of hearing for the detachment of territory from County Lighting District LLA-1 are, therefore, not required.

The enclosed Resolution of Intention must be adopted to initiate the withdrawal and detachment proceedings and set a date for the required public hearing.

With Board approval of the enclosed Resolution Ordering Withdrawal of Territory from County Lighting Maintenance District 1687 and Detachment of Territory from County Lighting District LLA-1, Petition No. 4-210 (Fairgreen Avenue, et al.), as requested by signers of Petition No. 4-210, Public Works will cancel the filing of Petition No. 21-207 with the State Board of Equalization for the statement of boundary changes.

The enclosed resolutions have been approved as to form by County Counsel.

The Honorable Board of Supervisors 3/1/2011 Page 4

ENVIRONMENTAL DOCUMENTATION

The proposed action to withdraw territory from County Lighting Maintenance District 1687 and detach territory from County Lighting District LLA-1 is not a project pursuant to the California Environmental Quality Act (CEQA) because it is an activity that is excluded from the definition of a project by Section 15378(b)(5) of the CEQA Guidelines. The proposed action is an administrative activity of government which will not result in any physical changes to the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The withdrawal and detachment of territory from the County Lighting Districts will have no impact on other services or projects.

CONCLUSION

Please return one adopted copy of this letter and the signed resolutions to Public Works, Traffic and Lighting Division. Also, please forward one adopted copy of the letter and resolutions to the County Assessor, Ownership Services Section (Attention Angela Gadsden); and to the Auditor-Controller, Tax Division (Attention Kelvin Aikens).

Respectfully submitted,

GAIL FARBER

Director

GF:DRL:sd

Enclosures

c: Chief Executive Office (Rita Robinson)
County Counsel (Talin Halabi)
Executive Office

Hair Farher

AFFIDAVIT COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS WITHDRAWAL OF TERRITORY FROM COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND DETACHMENT OF TERRITORY FROM COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE PETITION NO. 4-210 (FAIRGREEN AVENUE, ET AL.)

STATE OF CALIFORNIA COUNTY OF LOS ANGELES

<u>CARLOS M. REZA JR</u>, being first duly sworn, deposes, and says: (Please Print)

I circulated and obtained the signatures on Petition No. 4-210 accompanying this Affidavit. This petition is for the withdrawal of territory from County Lighting Maintenance District 1687, and the detachment of territory from County Lighting District LLA-1, Unincorporated Zone.

To the best of my knowledge and belief, the signatures, which appear on this petition, are genuine and are the signatures of property owners within the proposed annexation area as designated by the attached map in this petition.

State of California County of Los Argeline

this 15 Hay of

Notary

Subscribed and sworn to before me

- Vala Milli

Public in and for said County and State

Attach SALVADOR CASILLAS NOTARY PUBLIC

Page 1 of 6

2010

SALVADOR CASILLAS

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS WITHDRAWAL OF TERRITORY FROM COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND DETACHMENT OF TERRITORY FROM COUNTY LIGHTING DISTRICT LLA-1, UNINCORPORATED ZONE PETITION NO. 4-210 (FAIRGREEN AVENUE, ET AL.)

Honorable Board of Supervisors County of Los Angeles 383 Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012

Dear Supervisors:

We, the undersigned owners of real properties within the area designated by the attached map, respectfully request that:

- 1. The area be withdrawn from County Lighting Maintenance District 1687 and detached from County Lighting District LLA-1, Unincorporated Zone.
- 2. Provisions to be made for abandoning the installation, operation, and maintenance of the street lights along the segments of Heather Heights Avenue, Fairgreen Avenue, Treelane Avenue, Magnis Street, and Longden Avenue in the East Arcadia area and the assessment for the costs, thereof, that was previously approved under Petition No. 21-207.

We understand if this petition is found to contain the signatures of the **property owners** who represent **60 percent or more of the petition area**, this petition will be filed with the Board and a public hearing will be held.

Petition No. 4-210 Page 2

We declare that:

We are the owners of real properties within the certain territory designated on the attached map and are in favor of withdrawing the territory from the County Lighting Districts and abandoning the installation of street lights on **new or existing wood poles with overhead wiring**.

Please sign and print your name and address.

Respectfully,

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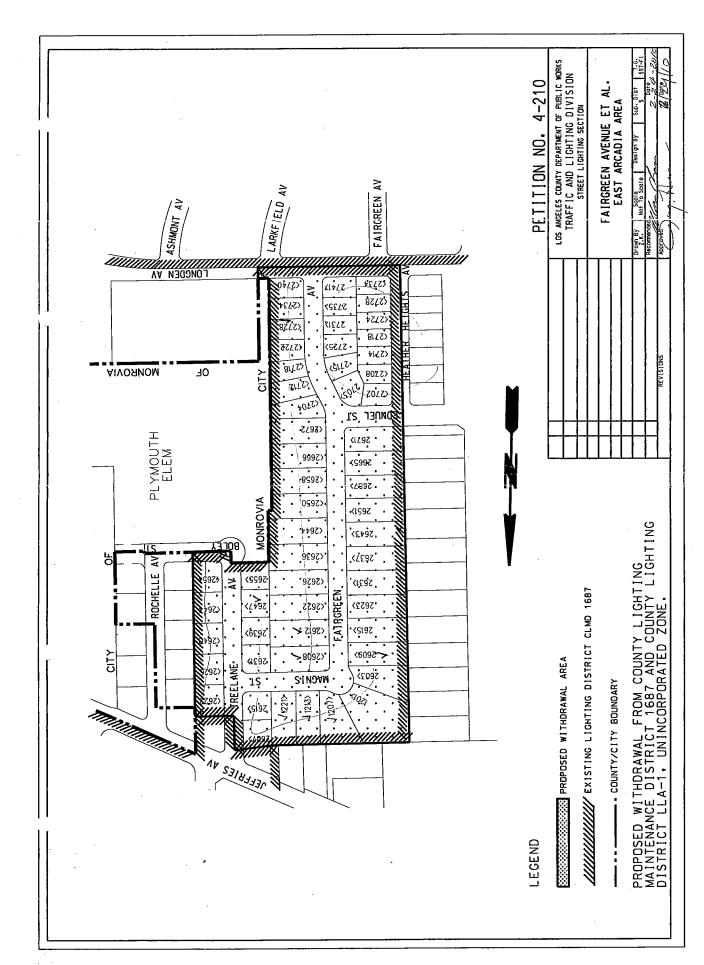
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COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

RESOLUTION OF INTENTION TO WITHDRAW TERRITORY FROM COUNTY LIGHTING MAINTENCANCE DISTRICT 1687 AND DETACH TERRITORY FROM COUNTY LIGHTING DISTRICT LLA-1, PETITION NO. 4-210 (FAIRGREEN AVENUE, ET AL.)

WHEREAS, on July 28, 2009, the Los Angeles County Board of Supervisors (Board of Supervisors) adopted a Resolution Ordering Annexation of territory know as Petition No. 21-207 to County Lighting Maintenance District 1687 and County Lighting District LLA-1 to provide for the installation, operation, and maintenance of street lights within the annexed territory and assessments for the costs thereof; and

WHEREAS, at the community's request, no street lights were installed with Petition No. 21-207 territory; and

WHEREAS, on March 1, 2011 the Board of Supervisors approved and filed Petition No. 4-210 for the withdrawal and detachment of territory previous known as Petition No. 21-207 from County Lighting Maintenance District 1687 and County Lighting District LLA-1, respectively; and

WHEREAS, under the California Streets and Highways Code section 5844 (within the Improvement Act of 1911), your Board may withdraw any portion of a maintenance district, such as the County Lighting Maintenance District 1687, which will not be benefited by remaining within the district, and your Board may fix a time for the hearing on the issue of withdrawal; and

WHEREAS, California Streets and Highways Code section 5844 provides notice, protest, and hearing requirements applicable to the withdrawal of territory from the maintenance district; and

WHEREAS, under California Streets and Highways Code section 22605 (within the Landscaping and Lighting Act of 1972), your Board may order the detachment of territory from an existing assessment district, formed pursuant to the Landscaping and Lighting Act of 1972, such as County Lighting District LLA-1; and

WHEREAS, under California Streets and Highways Code section 22609, your Board may dispense with the Resolution Initiating Proceedings, and the Engineers Report required by Sections 22585 and 22586 of the California Streets and Highways Code, and the posted and mailed notice of hearing, and may initiate proceedings by the adoption of a Resolution of Intention.

- NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, State of California, that:
- SECTION 1. The public interest and convenience require, and it is the intention of the Board of Supervisors to order, the withdrawal of territory from County Lighting Maintenance District 1687 and the detachment of territory from County Lighting District LLA-1.
- SECTION 2. The boundaries of the territory proposed for withdrawal and detachment consists of the area shown on the attached map.
- SECITON 3. A public hearing will be held by the Board of Supervisors to consider the withdrawal of territory from County Lighting Maintenance District 1687 and detachment of territory from County Lighting District LLA-1. Said hearing will be held on Tuesday, March 22, 201, at 9:30 a.m., in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street at Grand Avenue), Los Angeles, California 90012, not less than 10 nor more than 30 days after the date of adoption of this Resolution of Intention.
- SECTION 4. The Executive Officer of the Board of Supervisors shall give notice of the public hearing, in the form and manner specified in Section 5845 of the California Streets and Highways Code, to be published by one insertion in the ______, a newspaper published and circulated in the County of Los Angeles, which is hereby designated for that purpose. Such publication to be completed at least 5 days prior to the date of said hearing.
- SECTION 5. The Executive Office of the Board of Supervisors shall cause notice of said hearing to be posted in the form and manner specified by Section 5845 of the California Streets and Highways Code, at least 1 week prior to the date of hearing.

The foregoing Resolution of Intention was on the day of Mach 2011, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



SACHI A. HAMAI Executive Office of the Board of Supervisors of the County of Los Angeles

Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN County Counsel

Deputy

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS RESOLUTION ORDERING WITHDRAWAL OF TERRITORY FROM COUNTY LIGHTING MAINTENANCE DISTRICT 1687 AND DETACHMENT OF TERRITORY FROM COUNTY LIGHTING DISTRICT LLA-1, PETITION NO. 4-210 (FAIRGREEN AVENUE, ET AL.)

WHEREAS, on March 2011, the Los Angeles County Board of Supervisors (Board of Supervisors) previously approved and filed Petition No. 4-210 requesting withdrawal and detachment of territory from County Lighting Maintenance District 1687 and County Lighting District LLA-1, respectively.

WHEREAS, the Board of Supervisors on Monch 2201, adopted a Resolution of Intention to Withdraw Territory from County Lighting Maintenance District 1687 and detach territory from County Lighting District LLA-1, and fixed a time for hearing Petition No. 4-210, and the protests of interested persons; and

WHEREAS, the Executive Officer of the Board of Supervisors did cause the notice of the public hearing to be posted at least 1 week prior to the date fixed for the hearing in three conspicuous places within that portion of County Lighting Maintenance District 1687 to be withdrawn and in three conspicuous places within the remaining portion of the district, and did give notice of the public hearing by publishing one insertion in such daily, weekly, or semiweekly newspaper printed, published and circulated in the County at least 5 days prior to the date of hearing; and

WHEREAS, said Board of Supervisors has heard all testimony and evidence with regard to the withdrawal and detachment of territory from County Lighting Maintenance District 1687 and County Lighting District LLA-1, respectively.

- NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Los Angeles, that:
- SECTION 1. Petition No. 4-210 was signed by the property owners representing 60 percent or more of the territory proposed to be withdrawn from County Lighting Maintenance District 1687 and detached from County Lighting District LLA-1.
- SECTION 2. The Board of Supervisors of the County of Los Angeles hereby finds that no street light facilities exist within the territory sought to be withdrawn and detached, and that the public interest and convenience require the withdrawal and detachment of territory from County Lighting Maintenance District 1687 and County Lighting District LLA-1, respectively, and hereby grants the petition.
- SECTION 3. The Board of Supervisors has considered and passed upon all objections and finds that the portion of the district sought to be withdrawn will not be benefited by remaining with the maintenance district and the remaining territory not sought to be withdrawn will be benefited by continuing as a maintenance district.
- SECTION 4. The Board of Supervisors hereby orders the withdrawal of territory from County Lighting Maintenance District 1687 and detachment of territory from County Lighting District LLA-1.
- SECTION 5. The Board of Supervisors hereby determines that the territory identified will benefit by the withdrawal of territory from County Lighting Maintenance District 1687 and detachment of territory from County Lighting District LLA-1, and hereby orders the boundary of said districts be altered to exclude said territory.
- SECTION 6. The Executive Officer of the Board is hereby ordered and directed to file a certified copy of this resolution upon its adoption, with the County Assessor, Ownership Services Section (Attention Angela Gadsden); and with the Auditor-Controller, Tax Division (Attention Kelvin Aikens).

The foregoing Resolution of Intention was on the day of March 2011, adopted by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



SACHI A. HAMAI Executive Office of the Board of Supervisors of the County of Los Angeles

Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN County Counsel

Deputy